IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 908 OF 2006

Baban Pandurang Kaloke. ... Appellant.

V/s.

Gopal Vithu Botre
since deceased through heirs-
Rama Gopal Botre and others. ... Respondents.

Vinod Jadhav i/b. A.R.Kapadnees
for the appellant.

CORAM: D.B.BHOSALE, J.

DATED: 29th November 2006.

P.C. :

. This appeal by the original defendant No.1 is directed against the concurrent findings of fact recorded by the Courts below. The suit was for declaration and possession and mesne profit. Both the Courts below have concurrently held that the defendant has made encroachment to the extent of 7 R. in the suit property i.e. Block No.68 and that the plaintiff is entitled to recover the possession thereof.

2. No substantial question of law is either raised or argued by the learned counsel for the appellant. Considering that there are concurrent findings of fact recorded by the Courts below and as I find that there is sufficient material on

record to sustain those findings and considering the extremely limited jurisdiction of this Court under section 100 of Code of Civil Procedure, 1908 to disturb findings of fact, this second appeal fails and is dismissed as such.

3. Second appeal stands disposed of. No order as to costs.

(D.B.BHOSALE, J.)